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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,354

07/24/2003

James Douglas Schultz

SHAWR-001BC

9166

7590

06/21/2004

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

10/626,354

Applicant(s)

SCHULTZ ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-23,25 and 27-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-23,25 and 27-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0604.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: SKETCH A

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### **Part III DETAILED ACTION**

#### **Double Patenting**

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 20-23, 25, 27-47 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,617,511. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of claims 20-23, 25, 27-47 are found in claims 1-17 of U.S. Patent No. 6,617,511, including hub comprising at least one slot, but fails to disclose

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plural slots and plural posts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of slots and posts, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-23, 29-32, 34-36, 38-39, 41-43 and 46 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Comerci et al* (5,380,951).

*Comerci et al* disclose:

Regarding claim 20, a power distribution system comprising:

a junction box 20 (see figs 2-3, column 2 lines 43-51, column 3 lines 35-40); a first set of wires extending into the junction box (see sketch A); a second set of wires extending into the junction box (see sketch A); a hub 22 mounted in the junction box (see figs 2-3), comprising plural slots 22c (see fig 1) and a plurality of first conductive paths forming a first electric circuit with the plural slots and individual wires of the first set of wires (see column 2 lines 21-40, column 3 lines 57-68 and column 4 lines 1-7), the hub further comprising a plurality

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of second conductive paths forming a second electric circuit with individual wires of the second set of wires (see column 2 lines 21-40, column 3 lines 57-68 and column 4 lines 1-7) , wherein the first and second circuits are electrically isolated from each other; and a junction device attached to the junction box (see column 3 lines 60-68, please note that Commerci disclosed that apertures 22c for receiving contact prongs of various modular components, see column 3 lines 65-68).

Regarding claim 38, a power distribution system, comprising:

a first set of wires extending into the junction box (see sketch A); a second set of wires extending into the junction box 20 (see figs 2-3, column 2 lines 43-51, column 3 lines 35-40 and sketch A); a hub 22 mounted in the junction box comprising a means 22b of mechanically and conductively attaching the first and second set of conductive wires thereto (see figs 2-3, column 3 lines 60-68) , wherein the hub further comprises at least one slot 22c (see fig 1) and a plurality of first conductive paths forming a first electric circuit with the at least one slot and individual wires of the first set of wires (see column 3 lines 57-68 and column 4 lines 1-7), and wherein the hub further comprises a plurality of second conductive paths forming a second electric circuit with individual wires of the second set of wires (see column 2 lines 21-40, column 3 lines 57-68 and column 4 lines 1-7), such that the first and second electric circuits are electrically isolated from each other ; and a junction device attached to the junction box (see column 3 lines 60-68, please note that Commerci disclosed that apertures 22c for receiving contact prongs of various modular components, see column

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3 lines 65-68 ) and comprising at least one post (prong, see column 3 lines 65-68) for positioning within the at least one slot of the hub to thereby complete the first electric circuit.

Regarding claim 21, wherein the junction device comprises a switch (see column 3 lines 65-68, please note that Comerci disclosed that apertures 22c for receiving contact prongs of various modular components, see column 3 lines 65-68 ).

Regarding claim 22, wherein the junction device comprises an outlet (see column 3 lines 65-68, please note that Comerci disclosed that apertures 22c for receiving contact prongs of various modular components, see column 3 lines 65-68).

Regarding claim 23, wherein the junction device is attached to the junction box via interference there between (see figs 1-3).

Regarding claims 29 and 30, it is noted that the assembly of Comerci meet the structural limitations (see column 3 lines 65-68) and for a junction device comprising plural posts and plural posts arranged in a duplex configuration (see fig 1, please note that Comerci disclosed that apertures 22c for receiving contact prongs of various modular components, see column 3 lines 65-68 ).

Regarding claim 31, wherein the hub further comprises a means 22b of mechanically and conductively attaching the second set of wires thereto (see fig 2).

Regarding claims 32 and 39, wherein the hub further comprises a first area and a second area, wherein the first area is visually distinguishable from the second are, and wherein the first area corresponds to the first set of wires and the second area corresponds to the

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second set of wires, so as to visually distinguish the first set of wires from the second set of wires (see sketch A).

Regarding claims 34 and 41, wherein the first area is distinguishable from the second area because of a distinguishing symbol 22d located on the hub (see fig 2).

Regarding claims 35 and 42, further comprising at least one wiring schematic that corresponds with at least one of the first conductive paths, so as to visually indicate the orientation of the at least one first conductive path (see fig 2, it is noted that the assembly of Comerci meet the structural limitations).

Regarding claims 36 and 43, further comprising at least wiring schematic that corresponds with at least one of the second conductive paths, so as to visually indicate the orientation of the at least one second conductive path (see fig 2, it is noted that the assembly of Comerci meet the structural limitations).

Regarding claim 46, a cover plate (a face plate, see column 5 lines 29-31) and it is noted that the assembly of Comerci meet the structural limitations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 27-28, 37, 44 and 47 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Comerci et al (5,380,951) in view of Moss (6,311,637).

Regarding claims 27-28, 37 and 44 the assembly of Comerci et al disclose all the features of the claimed invention as shown above, but fails to disclose a plurality of color coding patches that correspond to individual wires in the first set of wires, wherein the plurality of color coding patches is arranged so as to indicate proper wiring of a predetermined circuit design, and indicia letters that correspond to the wires, wherein the indicia letters are arranged so as to indicate proper wiring of a pre-determined circuit design and a writing surface. Moss teaches the use of a plurality of color coding patches that correspond to individual wires in the first set of wires, wherein the plurality of color coding patches is arranged so as to indicate proper wiring of a predetermined circuit design, and indicia letters that correspond to the wires and a writing surface (see fig 3, abstract lines 1-9, and entire



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specification) in order for identifying a wire associated with a particular circuit or to be installed in a particular electrical circuit.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of *Comerci et al* with a plurality of color coding patches that correspond to individual wires in the first set of wires, wherein the plurality of color coding patches is arranged so as to indicate proper wiring of a predetermined circuit design, and indicia letters that correspond to the wires as taught by *Moss* in order for identifying a wire associated with a particular circuit or to be installed in a particular electrical circuit.

Regarding claim 47, see fig 1 of *Comerci et al*.

5. Claims 33 and 40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Comerci et al* (5,380,951).

Regarding claims 33 and 40, the assembly of *Comerci et al* disclose all the features of the claimed invention as shown above, but fails to disclose the first area is distinguishable from the second area because the first and second areas are colored differently. it would have been an obvious matter of design choice to use the first area is distinguishable from the second area because the first and second areas are colored differently, since applicant has not disclosed that the first area is distinguishable from the second area because the first and second areas are colored differently solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with the first area is distinguishable from the second areas of the assembly of *Comerci et al* .

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***Contact information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831  
June 8, 2004

*Dhiru Patel*  
*Primary Examiner*  
*6/8/04.*